



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/777,313

02/12/2004

James Allen Charnley JR.

W012 P00838-US1

5530

3017

7590

03/13/2008

BARLOW, JOSEPHS & HOLMES, LTD.

101 DYER STREET

5TH FLOOR

PROVIDENCE, RI 02903

EXAMINER

POLLOCK, GREGORY A

ART UNIT

PAPER NUMBER

4182

MAIL DATE

DELIVERY MODE

03/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/777,313	CHARNLEY, JAMES ALLEN	
	Examiner	Art Unit	
	GREG POLLOCK	4182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the claims filed 02/12/2004.
2. Claims 1-9 have been examined.

Priority

3. Applicant's claim for the benefit of a prior-filed application 60/446732 under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged and granted.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "A, B, C, D, E, F, and G" have been used to designate different steps in Figures 4-9. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "A, B, C, D, E, F, and G". The office assumes that the lower case "a, b, c, d, e, f, and g found in the description of Figures 4-6 reference characters "A,B, C, D, E, F, and G" as found in the drawings. The specification or drawing should be corrected such that the specification and drawing elements match. The descriptions of Figures 7-9 do not reference elements "A, B, C, D, E, F, and G". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The specification is objected to because of the following minor informalities:

- a. Paragraph [03], line 1; “There exist numerous commercial services” should be corrected to “There exists numerous commercial services”
- b. Paragraph [22], lines 3-6; “The method to translates user input of beginning and ending dates for an analysis period into a series of risk-periods of equal length that encompass the entirety of the analysis period.” should be corrected to “The method to translate user input of beginning and ending dates for an analysis period into a series of risk-periods of equal length that encompass the entirety of the analysis period.”
- c. Paragraph [88], lines 3-4; “All such modifications and changes areintended to be covered by the appended claims.” should be corrected to “All such modifications and changes are intended to be covered by the appended claims.”
- d. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 1, line 6 contains the limit “identifying an odd-day period adjacent to one of the risk periods of equal length;”. This phrase has no support in the specification. The office interprets this to mean that the last pay period required to extend the risk period is identified.

Claim Objections

- 7. The specification is objected to because of the following minor informalities:

- a. Claim 5, line 1 reads, “The method of claim, further comprising the steps of:”.
The office assumes that this should dependent on claim 1, similar to claims 4, and 6-9. Therefore, claim 5, line 1 should be corrected to “The method of claim 1, further comprising the steps of:”.
- b. Claim 9, lines 5-6 reads, “receiving user input as to the ir preference for calendar-date risk-period ending dates;” should be corrected to “receiving user input as to their preference for calendar-date risk-period ending dates;”.
- c. Claim 9, lines 25-27 reads, “calculating a series comprised of the periodic-return from the daily returns for each full-period and each adjusted-odd-day reisk-period as an annualized geometric average;” should be corrected to “calculating a series comprised of the periodic-return from the daily returns for each full-period and each adjusted-odd-day risk-period as an annualized geometric average;”.
- d. Claim 5 , lines 25-27 reads, “calculating a series comprised of the periodic-return from the daily returns for each full-period and each adjusted-odd-day reisk-period as an annualized geometric average;” should be corrected to “calculating a series comprised of the periodic-return from the daily returns for each full-period and each adjusted-odd-day risk-period as an annualized geometric average;”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 5-9 recite the structural element "the volatility of analysis-period periodic returns". There is insufficient antecedent basis for this structural element in these claims. Appropriate correction is required.
10. Claim 1, line 7 recite the structural element "the number of days". There is insufficient antecedent basis for this structural element in these claims. Appropriate correction is required.

Claim Rejections - 35 USC § 101

11. Claims 3-9 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.
12. A credible utility is assessed from the standpoint of whether a person of ordinary skill in the art would accept that the recited or disclosed invention is currently available for such use. The equation for the geometric average uses the "sum" of the elements of $(1 + [\text{daily appreciation in index value}]/100)$. One skilled in the art would recognize that a geometric average is calculated as the "product" of the elements of $(1 + [\text{daily appreciation in index value}]/100)$. Therefore, the invention as disclosed lacks credible utility.

13. Claims 3-9 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible utility asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stockcharts.com (http://web.archive.org/web/*/http://stockcharts.com/, Dec 09, 2001 *).

As per claim 1, Stockcharts.com teaches a **method of comparing investment performance over irregular time periods** (the start and end date for performance charts can be modified interactively and in real time using a slider [¶2] and [¶17]), **comprising the steps of:**

selecting an analysis period having a beginning date and an ending date (the start and end date for performance charts can be modified interactively and in real time using a slider [¶2] and [¶17]);

dividing the analysis period into a series of contiguous risk-periods of equal length in days (the graph next to [¶19] shows equal risk periods.);

calculating a series of daily returns for the extended period whose average can be computed as a risk-period return (the graphs next to [¶1] and between

Art Unit: 4182

[¶15] and [¶16] shows performance over time, as calculated on a daily bases. Also see [¶1] and [¶12- ¶16]);

and determining investment risk for the analysis period (the user is able to include Bollinger Bands into the price overlays [¶28] and [¶56], where Bollinger Bands allow users to compare volatility and relative prices levels over a period of time [¶72 - ¶75]).

Stockcharts.com does not explicitly show **identifying an odd-day period adjacent to one of the risk periods of equal length; calculating the number of days required to extend the odd-day period to the equal length of the equal risk-periods forming an extended period; determining a beginning date and an ending date for the extended period;**

Stockcharts.com does show, in the graph next to [¶19] that data is graphed from an odd-day period (12 Aug) to a date which extends beyond an even quarter, month, and week boundary (12 Jun) with no truncation of data.

One skilled in the art at the time of the invention would reasonably assume that Stockcharts.com would perform the steps of identifying an odd-day period adjacent to one of the risk periods of equal length, calculating the number of days required to extend the odd-day period to the equal length of the equal risk-periods forming an extended period, and determining a beginning date and an ending date for the extended period in order to obtain the graph next to [¶19]. One skilled in the art at the time of the invention would be inclined to perform the necessary steps to generate a graph starting and ending on an odd boundary in order to make Stockcharts.com more useful for the user, and to increase the number of repeat visitors to the site by changing available data throughout the day, instead of only at the end of a week, month, quarter, or year.

16. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Stockcharts.com (http://web.archive.org/web/*/http://stockcharts.com/, Dec 09, 2001 *) in view of Kim et al. (U.S. Application No. 09/998197).

As per claim 2, the rejection of claim 1 has been addressed.

Stockcharts.com teaches a method **further comprising the steps of: creating a database of benchmark data** (datasets [¶20]);

creating a database of market-sector populations ([¶12] and [¶20]);

creating a database of input data of a user (datasets [¶21]);

the input data of a user including the beginning date and ending date of the analysis period (the start and end date for performance charts can be modified interactively and in real time using a slider [¶2] and [¶17]), **investment population** (up to five symbols [¶21, line 4]),

calculating investment return for the analysis period (the graphs next to [¶1] and between [¶15] and [¶16] shows performance over time. The Histogram mode is another way to show total return over the given date range [¶24]).

Stockcharts.com does not teach a method where inputs include **risk tolerance preferences and risk perspective**.

Kim et al. teaches a method where inputs include **risk tolerance preferences and risk perspective** ("risk attitude analysis" [¶24]).

It would have been obvious to one skilled in the art at the time of the invention to have combined the invention of Kim et al. with that of Stockcharts.com to obtain risk tolerance preferences and risk perspective. One skilled in the art at the time of the invention would be motivated to combine the teachings to increase the usefulness of Stockcharts.com by providing a quantitative, non-objective, list of investments suitable to the personal investment attitude by quantitatively grasping the investment attitude for each person and matching the investment attitude with a result of quantitative estimation calculated.

17. Claims 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockcharts.com (http://web.archive.org/web/*/http://stockcharts.com/, Dec 09, 2001 *) in view of University of Toronto Mathematics Network (Original Web Site Creator / Mathematical Content Developer: Philip Spencer, University of Toronto Mathematics Network Question Corner and Discussion Area, Applications of the Geometric Mean, Questions Asked on October 5, 1997 – May 22, 1997, with the site last updated April 19, 1999.).

Art Unit: 4182

As per claim 4, the rejection of claim 1 has been addressed.
Stockcharts.com teaches a method **further comprising the steps of:**

receiving user input as to risk-period designation and ending and starting dates of the analysis period (the start and end date for performance charts can be modified interactively and in real time using a slider [¶2] and [¶17]);

calculating risk from volatility of analysis-period periodic returns (the user is able to include Bollinger Bands into the price overlays [¶28] and [¶56], where Bollinger Bands allow users to compare volatility and relative prices levels over a period of time and include a 2 standard deviation bands around a simple moving average. [¶72 - ¶75]);

counting backward from the analysis-period ending date the number of days in the designated risk-period (the graphs next to [¶19] and between [¶15] and [¶16] shows performance over time, as calculated on a daily bases. In order to obtain individual risk periods dates, a method of counting backward from the analysis-period ending date must occur in order to obtain the graphs as shown. Also see [¶1] and [¶12- ¶16].);

marking the beginning date of end-date risk-period (the graph next to [¶19] shows risk periods indicated as dates "12 Jun" to "12 Aug".);

continuing to count backward and marking each successive 'full-period' risk period until reaching beginning date of the analysis period (the graphs next to [¶19] and between [¶15] and [¶16] shows performance over time, as calculated on a daily bases. The entire analysis period, as determined by the slide bar, is filled without truncation. In order to obtain individual risk period's date, a method of counting backward from the each successive risk period date must occur in order to obtain the graphs as shown, without truncation. Also see [¶1] and [¶12- ¶16]);

determining the number of days for each calendar-length risk-period by the days in the calendar-length risk-period in which each risk-period ending date resides (the graphs next to [¶19] and between [¶15] and [¶16] shows performance over time and are evenly spaced. Also see [¶1] and [¶12- ¶16]);

calculating a series comprised of the periodic-return from the daily returns for each full-period (the graphs next to [¶1] and between [¶15] and [¶16] shows performance over time, as calculated on a daily bases. Also see [¶1] and [¶12- ¶16]);

and calculating the standard deviation of periodic returns for the analysis period using the series (the user is able to include Bollinger Bands into the

Art Unit: 4182

price overlays [¶28] and [¶56], where Bollinger Bands allow users to compare volatility and relative prices levels over a period of time and include a 2 standard deviation bands around a simple moving average. [¶72 - ¶75]).

Stockcharts.com does not explicitly show **identifying an odd-day period when a risk-period beginning at analysis-period beginning date is found to be less than a full-period or counting forward the number of days for a full-period risk period starting at the beginning-date for the analysis-period defining an adjusted-odd-day period**

Stockcharts.com does show, in the graph next to [¶19] that data is graphed from an odd-day period (12 Aug) to a date which extends beyond an even quarter, month, and week boundary (12 Jun) with no truncation of data.

One skilled in the art at the time of the invention would reasonably assume that Stockcharts.com would perform the steps of identifying an odd-day period when a risk-period beginning at analysis-period beginning date is found to be less than a full-period or counting forward the number of days for a full-period risk period starting at the beginning-date for the analysis-period defining an adjusted-odd-day period in order to obtain the graph next to [¶19] with no truncation of data. One skilled in the art at the time of the invention would be inclined to perform the necessary steps to generate a graph starting and ending on an odd boundary in order to make Stockcharts.com more useful for the user, and to increase the number of repeat visitors to the site by changing available data throughout the day, instead of only at the end of a week, month, quarter, or year

Stockcharts.com does not teach a method of **adjusted-odd-day risk-period as an annualized geometric average**.

Spencer teaches a method of **adjusted-odd-day risk-period as an annualized geometric average** ([¶1 - 6] and [¶18 - 48]).

It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of Spencer with the invention of Stockcharts.com to obtain a graph which displayed a geometric average instead of an arithmetic average. One skilled in the art at the time of the invention would be motivated to combine the teachings to increase the usefulness of Stockcharts.com so that the effect of compounding term rates could be evaluated.

As per claim 8, the rejection of claim 1 has been addressed.

Stockcharts.com teaches a method **further comprising the steps of:**

Art Unit: 4182

receiving user input as to their preference for calendar-date risk-period ending dates (the start and end date for performance charts can be modified interactively and in real time using a slider [¶2] and [¶17]);

counting backward from the risk-period calendar-date ending date that is closest to the analysis period ending date by a selected calendar division (the graphs next to [¶19] and between [¶15] and [¶16] shows performance over time, as calculated on a daily bases. In order to obtain individual risk periods dates, a method of counting backward from the analysis-period ending date must occur in order to obtain the graphs as shown. Also see [¶1] and [¶12- ¶16].);

marking the beginning date of each successive "full-period" risk-period (the graph next to [¶19] shows risk periods indicated as dates "12 Jun" to "12 Aug".);

calculating a series comprised of the periodic-return from the daily returns for each full-period and each adjusted-odd-day risk-period (the graphs next to [¶1] and between [¶15] and [¶16] shows performance over time, as calculated on a daily bases. Also see [¶1] and [¶12- ¶16])

Stockcharts.com does not explicitly show **identifying a first odd-day period when a risk-period beginning at the analysis-period beginning date is found to be less than a full-period, counting forward the number of days for a full-period risk period starting at the beginning-date for the analysis-period defining a first adjusted-odd-day period, counting forward from the risk-period ending date closest to the analysis-period ending date to the analysis period ending to analysis period ending date defining a second odd-day period, counting backwards from the analysis-period ending date the number of days for a full risk period defining a second adjusted odd-day period, and the second adjusted odd-day period being determined by the number of days in the calendar period in which the analysis-period ending date resides.**

Stockcharts.com does show, in the graph next to [¶19] that data is graphed from an odd-day period (12 Aug) to a date which extends beyond an even quarter, month, and week boundary (12 Jun) with no truncation of data.

The graphs next to [¶19] and between [¶15] and [¶16] also show performance over time, as calculated on a daily bases. The entire analysis period, as determined by the slide bar, is filled without truncation, Also see [¶1] and [¶12- ¶16])

One skilled in the art at the time of the invention would reasonably assume that Stockcharts.com would perform the steps of identifying a first odd-day period

when a risk-period beginning at the analysis-period beginning date is found to be less than a full-period, counting forward the number of days for a full-period risk period starting at the beginning-date for the analysis-period defining a first adjusted-odd-day period, counting forward from the risk-period ending date closest to the analysis-period ending date to the analysis period ending to analysis period ending date defining a second odd-day period, counting backwards from the analysis-period ending date the number of days for a full risk period defining a second adjusted odd-day period, and the second adjusted odd-day period being determined by the number of days in the calendar period in which the analysis-period ending date resides in order to obtain the graph next to [¶19] with no truncation of data. In order to obtain individual risk period's date, a method of counting backward from the each successive risk period date must occur in order to obtain the graphs as shown, without truncation. Therefore, a second, odd-day period, and a third, and a forth, and so on, would be obtain using the same process until all risk periods are identified. One skilled in the art at the time of the invention would be inclined to perform the necessary steps to generate a graph starting and ending on an odd boundary in order to make Stockcharts.com more useful for the user, and to increase the number of repeat visitors to the site by changing available data throughout the day, instead of only at the end of a week, month, quarter, or year.

Stockcharts.com does not teach a method **as an annualized geometric average**;

Spencer teaches a method of **as an annualized geometric average** ([¶1 - 6] and [¶18 - 48]);

It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of Spencer with the invention of Stockcharts.com to obtain a graph which displayed a geometric average instead of a arithmetic average. One skilled in the art at the time of the invention would be motivated to combine the teachings to increase the usefulness of Stockcharts.com so that the effect of compounding term rates could be evaluated.

All other limits of Claim 8 have been previously addressed in Claims 1 and 4, and is therefore rejected using the same prior art and rationale.

As per claim 9, the rejection of claim 1 has been addressed.

All of the limits of Claim 9 have been previously addressed in Claims 1, 4, and 8, and is therefore rejected using the same prior art and rationale

Art Unit: 4182

18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stockcharts.com (http://web.archive.org/web/*/http://stockcharts.com/, Dec 09, 2001 *) in view of Kim et al. (U.S. Application No. 09/998197) in view of University of Toronto Mathematics Network (Original Web Site Creator / Mathematical Content Developer: Philip Spencer, University of Toronto Mathematics Network Question Corner and Discussion Area, Applications of the Geometric Mean, Questions Asked on October 5, 1997 – May 22, 1997, with the site last updated April 19, 1999.).

As per claim 3, the rejection of claim 2 has been addressed.

Stockcharts.com and Kim et al. do not teach a method **wherein the step of calculating investment return is the geometric average of the periodic daily returns over the term of the analysis period using the following formula:**

$$(((100 * \text{sum}(1 + [\text{daily appreciation in index value}] / 100)) / 100)^{(1 / [\text{term}])} - 1) * 100$$

University of Toronto Mathematics Network teaches a method **wherein the step of calculating investment return is the geometric average of the periodic daily returns over the term of the analysis period using the following formula:**

$$(((100 * \text{sum}(1 + [\text{daily appreciation in index value}] / 100)) / 100)^{(1 / [\text{term}])} - 1) * 100$$

([¶1 - 6] and [¶18 - 48], where the equation as found in [¶36 - 37] is the same as the applicant's, noting that the applicant's "daily appreciation in index value" multiplied by 100 is the same as a "percentage growth", G, and reiterating that the applicant's "sum" should be a product of the elements of "(1+[daily appreciation in index value]/100)"))

It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of University of Toronto Mathematics Network with the invention of Stockcharts.com to obtain a graph which displayed a geometric average instead of an arithmetic average. One skilled in the art at the time of the invention would be motivated to combine the teachings to increase the usefulness of Stockcharts.com so that the effect of compounding term rates could be evaluated.

19. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockcharts.com (http://web.archive.org/web/*/http://stockcharts.com/, Dec 09, 2001 *) in view of University of Toronto Mathematics Network (Original Web Site Creator / Mathematical Content Developer: Philip Spencer, University of Toronto Mathematics Network Question Corner and Discussion Area, Applications of the Geometric Mean, Questions Asked on October 5, 1997 – May 22, 1997, with the site last updated April 19, 1999.) in view of Shah et al. (Ajay Shah, R. Shukla, and Bob Pierce, "Invest FAQ: Analysis: Beta and Alpha", 22 Oct 1997).

As per claim 5, the rejection of claim 1 has been addressed.
Stockcharts.com teaches a method **further comprising the steps of:**

marking the beginning date of the analysis-period end-date risk-period (the graph next to ¶19 shows risk periods indicated as dates "12 Jun" to "12 Aug".);

Stockcharts.com and University of Toronto Mathematics Network do not teach a method **of calculating the beta for the analysis period using the series**.

Shah et al. teaches a method **of calculating the beta for the analysis period using the series** (the article teaches the use of calculating and graphing a beta as an indicator of volatility against market indexes [pages 1-4]).

It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of Shah et al. with the invention of Stockcharts.com to **calculating the beta for the analysis period using the series**. One skilled in the art at the time of the invention would be motivated to combine the teachings to increase the usefulness of Stockcharts.com by allowing the user to compare correlation and volatility of a potential investment against market indices.

All other limits of Claim 5 have been previously addressed in Claims 1 and 4, and is therefore rejected using the same prior art and rationale.

Art Unit: 4182

As per claim 6, the rejection of claim 1 has been addressed.
Stockcharts.com teaches a method **further comprising the steps of:**

the number of days in a risk period being equal (the graph next to [¶19] shows equal risk periods.);

All other limits of Claim 6 have been previously addressed in Claims 1, 4, and 5, and is therefore rejected using the same prior art and rationale.

As per claim 7, the rejection of claim 1 has been addressed.
All of the limits of Claim 7 have been previously addressed in Claims 1, 4, 5, and 6, and is therefore rejected using the same prior art and rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pollock whose telephone number is 571 270-1465. The examiner can normally be reached on 7:30 AM - 6 PM, Mon-Thu Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571 272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAP

2/27/2008

/Gregory Pollock/
Examiner, Art Unit 4182

Gregory A. Pollock

/Thu Nguyen/
Supervisory Patent Examiner, Art Unit 4182